IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

WP(C).No. 21718 of 2007(I)

PETITIONER:

GEORGE JACOB, S/O.KOCHAKKAU KORATH,
KAVUNGAL HOUSE, AYYAMPILLY-682 501.

BY ADV. SRI.A.K.CHINNAN
SMT.SUSAL A. CHINNAN

RESPONDENTS:
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1. REENA DEVI, W/O.RADHAKRISHNAN,
NEDIYAPARAMBATH, SAYUJYAM, PERUMPADANNA,
PARUR-683 513.

2. RADHIKA.R.MENON, D/O.RADHAKRISHNAN,
NEDIYAPARAMBATH,SAYUJYAM, PERUMPADANNA,
PARUR-683 513.

3. RAMESH R.MENON, S/O.RADHAKRISHNAN,
NEDIYAPARAMBATH,SAYUJYAM, PERUMPADANNA,
PARUR-683 513.

4. THANKAPPAN, S/O.KESAVAN,
CHAKKUKULANGARA HOUSE, VENNALA, EDAPPALLY-682028.

5. V.J.SEBASTIAN, S/O.JOSEPH,
VELUTHAPPILLY HOUSE, TRIKKANARVATTOM,
ERNAKULAM NORTH.

BY ADV. SRI.K.V.JAYACHANDRAN
SRI.RAJU V.MATHEW

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT. P1 **TRUE COPY OF MEMO DTD.27.3.07 IN OS 416/03 MANGALAM MALAYALAM DAILY.**

EXT.P2 **TRUE COPY OF THE ADDITIONAL LIST OF DOCUMENTS AND WITNESS LIST IN O.S.416/03.**

EXT.P3 **TRUE COPY OF THE AFFIDAVIT AND APPLICATION DTD.2.7.07 IN OS 416/03.**

EXT.P4 **TRUE COPY OF AFFIDAVIT AND APPLICATION DTD.6.7.07 IN O.S.416/03.**

[True copy]

P.A. to Judge.

M.N.KRISHNAN, J

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W.P.(C)No.21718 OF 2007

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Dated this the 26th day of July, 2007

JUDGMENT

This writ petition is filed to permit the plaintiff to examine two more witnesses and as sufficient opportunity had not been given he requires indulgence of this court for the same. The other side also had entered appearance. It appears that there had been some mix up and on account of the same ultimately the plaintiff's witnesses were not examined and the defendants were also examined and the matter was posted for hearing and then for judgment as well. Now the matter is pending before the first court, viz., the trial court. The party who is aggrieved has come before the court at the first instance itself seeking permission to examine the witnesses. So in order to comply with the principles of natural justice and fair conduct of the trial, it is desirable that the party be permitted to examine the witnesses so that at a later stage, he will not come forward with that grievance and much time can be saved if it is done at this stage itself.

Therefore, I am inclined to grant time to the plaintiff to examine the witnesses sought to be examined and also permit the defendants to examine

additional witnesses, if any, if he chooses to do so in the light of the evidence which is tendered by the witnesses of the plaintiff. I direct both the parties to co-operate with the court below for expeditious disposal and not by asking for time again and again. The parties shall appear before the court on 2.8.2007 and the court may fix a date on that day for examination of the witnesses by giving a reasonable time to the plaintiff to procure their presence.

Writ petition is disposed of accordingly.

M.N.KRISHNAN, JUDGE

Cdp/-